Manitoba

Annual Report 1989 - 90

Rural Development

The Surface Rights Board

91-02163/

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Minister of
Rural Development

Legislative Building
Winnipeg, Manitoba, CANADA
R3C 0V8

His Honour George Johnson
Lieutenant Governor of Manitoba
235 Legislative Building
Winnipeg, Manitoba
R3C 0V8

May It Please Your Honour:

I have the privilege to present for your information the Annual Report of The Surface Rights Board of Manitoba for the fiscal year ended March 31, 1990.

Respectfully submitted,

Jack Penner

Manitoba

Manitoba

Rural Development The Surface Rights Board

408 — 800 Portage Avenue
Winnipeg, Manitoba, CANADA
R3G 0N4

(204) 945-0845

June 30, 1990

The Honourable Jack Penner
Minister Responsible for
The Surface Rights Act
Room 330 Legislative Building
Winnipeg, Manitoba
R3C 0V8

Sir:

Pursuant to the provisions of Section 15 of the Surface Rights Act, the Board is pleased to submit its annual report for the fiscal year ending March 31, 1990.

Your truly,

R.T. Smith
Presiding Member

THE SURFACE RIGHTS BOARD OF MANITOBA

MINISTER RESPONSIBLE FOR THE SURFACE RIGHTS ACT

THE HONOURABLE J. PENNER

THE BOARD

MR. R.T. SMITH	PRESIDING MEMBER
MR. CROMER ASHCROFT	DEPUTY PRESIDING MEMBER
MR. THOMAS ARTHUR COWAN	MEMBER
MRS. GENEVA CHIPELSKI	MEMBER
MR. IVAN CAREY	MEMBER

COUNSEL

MR. NEVILLE D. SHENDE, Q.C.	BOARD SOLICITOR

THE STAFF

MR. BRYAN SHERIDAN	SECRETARY TO THE BOARD

1989/90 Highlights

- Proposed legislative amendments
- Proposed standard application for variation
- Proposed form of final release
- Implementation of new procedural rules for Board Hearings

THE RESPONSIBILITIES OF BOARD MEMBERS

The Act provides for the Surface Rights Board and empowers the Board to administer and enforce The Act. The Board is presently composed of five Members, one of whom is the Presiding Member and another who is designated the Deputy Presiding Member.

Members are appointed by the Lieutenant Governor in Council and represent various geographic, social and economic sectors of the province.

In discharging its responsibility for administration of The Act, the Board may:

(a) Hold sittings from time to time at such times and places in the province as it may deem expedient;

(b) Enter upon and inspect or authorize any Member of the Board or other person to enter upon and inspect any place, building, works or other property directly or indirectly involved in any matter before the Board;

(c) Appoint, or direct, to inquire into and report upon, any matter before the Board. The Members are not full time Board Members, but are paid on a per diem basis.

THE PURPOSE OF THE SURFACE RIGHTS ACT

The Surface Rights Act was proclaimed to be in force August 9, 1983.

The purposes of The Act are:

(a) To provide for a comprehensive procedure for acquiring and utilizing surface rights;

(b) To provide for the payment of just and equitable compensation for the acquisition and utilization of surface rights.

(c) To provide for the maintenance, preservation and restoration of the surface of land acquired in connection with surface rights.

(d) To provide for the resolution of disputes between operators, occupants, and owners arising from the entry upon, use or restoration of the surface of the land.

POWERS OF THE BOARD

Fulfilling its mandate to provide for the concerns of both landowners and the oil industry in Manitoba, the Board is empowered to:

(a) Administer and enforce the Act and the regulations;

(b) Carry out surveys and research programs and obtain statistics for the purposes of the Board.

(c) Conduct hearings and investigations and determine and prescribe the scope thereof;

(d) Require any person to submit to it such returns in such form as it may require.

(e) Prohibit or require the doing of any act by any of the parties to an application which is before the Board.

(f) Provide mediation services upon the request of a party to a dispute concerning surface rights.

SURFACE RIGHTS BOARD ACTIVITY 1989/90
April 1, 1989 - March 31, 1990

Quarterly Activity Report

	April 1 June 30 1st Q	July 1 Sept 30 2nd Q	Oct. 1 Dec. 31 3rd Q	Jan. 1 Mar. 31 4th Q
SIGNED AGREEMENTS FOR SURFACE LEASES				
Brought forward	1100	1110	1113	1129
Received	10	3	16	21
Carried forward	1110	1113	1129	1150
REVIEW OF COMPENSATION APPLICATIONS				
Brought forward	29	30	30	39
Received	1	0	14	0
Settled or Closed	-	-	5	3
Carried	30	30	39	36
RIGHT-OF-ENTRY APPLICATIONS				
Brought forward	*1	*11	*11	*11
Received	1	0	0	2
Settled or Closed	2	0	0	2
Carried forward	0	*11	*11	*11
TORTIOUS ACTS				
Brought forward	2	2	0	0
Received	0	0	0	0
Settled or Closed	0	0	0	0
Carried forward	2	0	0	0
Other Applications:				
TERMINATION OF BOARD ORDERS				
Brought forward	2	2	0	0
Received	0	2	0	0
Settled or Closed	0	4	0	0
Carried forward	2	0	0	0

ABSENTEE MINERAL RIGHTS OWNER				
Brought forward	0	0	0	0
Received	0	0	0	0
Settled or Closed	0	0	0	0
Carried forward	0	0	0	0
APPLICATION FOR ABANDONMENT ORDER				
Brought forward	0	0	5	4
Received	0	5	0	0
Settled or Closed	0	0	1	0
Carried forward	0	5	4	4
BOARD ORDERS ISSUED	2	2	1	5

* ROE granted for 11 applications; final compensation yet to be determined.

FIVE YEAR ACTIVITY SUMMARY **Year Ended March 31**

	1989	1988	1987	1986	1985
Signed Agreements	50	68	156	74	92
Applications					
- Review of Compensation	15	38	29	8	90
- Right-of-Entry	3	13	5	4	28
- Damage (Tortious Acts)	0	0	1	1	4
- Termination of Board Order	2	0	0	8	0
- Absentee Mineral Rights Owner	0	0	0	3	0
- Application for Abandonment Order	5	1	9	3	0
Board Orders Issued	10	19	48	51	37

BOARD ORDERS

In the fiscal year 1989/90, the Surface Rights Board issued a total of 10 Board Orders.

BOARD ORDERS ISSUED 1989/90

Applicant	Particulars	File Number	Order Number	Date Issued	Decision of Board
Omega Hydrocarbons	Right of Entry	438-88-A	2/89	Apr. 21/89	Granted
Omega Hydrocarbons	Right of Entry	444-89-A	3/89	June 15/89	Granted
Omega Hydrocarbons	Termination of Right of Entry	426-88-A	4/89	Aug. 16/89	Granted
Omega Hydrocarbons	Termination of Right of Entry	427-88-A	5/89	Aug. 16/89	Granted
Omega Hydrocarbons	Termination of Right of Entry	445-88-A	6/89	Oct. 6/89	Granted
Omega Hydrocarbons	Right of Entry	464-89-A	1/90	Feb. 5/90	Granted
Omega Hydrocarbons	Right of Entry	465-89-A	2/90	Feb. 5/90	Granted
Wallace Gabrielle	Variation of Compensation	433-88-A	3/90	Mar. 19/90	$2,200
Wallace Gabrielle	Variation of Compensation	435-88-A	4/90	Mar. 19/90	$2,200
Wallace Gabrielle	Variation of Compensation	443-88-A	5/90	Mar. 19/90	$2,200